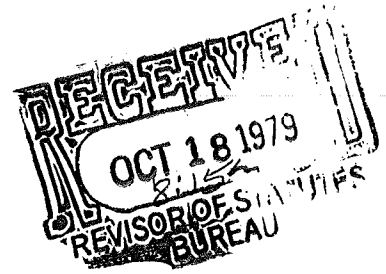


HSS 3



C E R T I F I C A T E

STATE OF WISCONSIN)
) SS
DEPT. OF HEALTH & SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to HSS 3 CBRF Rule Amendments were duly approved and adopted by this department on October 16, 1979.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the City of Madison, this 16th day of October, 1979.

DONALD E. PERCY, SECRETARY
DEPARTMENT OF HEALTH

SEAL

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ADOPTING, AMENDING
OR REPEALING RULES

Relating to rules concerning HSS 3 CBRF Rule Amendments.

Analysis prepared by the Department of Health and Social Services: The effect of the proposed admendments will be to add clarifying language and to eliminate unclear language to prevent misinterpretations of construction requirements as they relate to both small CBRF in existing structures and to CBRF of over 8 beds. The amendments also ensure consistency with DILHR rules which specify construction requirements that are applicable to CBRF. The amendments do not result in more stringent construction requirements but merely ensure the intent that certain construction requirements listed for small CBRF are equally required for CBRF of over 8 beds.

Pursuant to authority vested in the Department of Health and Social Services by section 227.014(2), and section 227.023 Wis. Stats., the Department of Health and Social Services hereby amends rules interpreting section 50.02, Wis. Stats., as follows:

That HSS 3 be amended to read:

HSS 3.09 REQUIREMENTS OF OTHER PUBLIC AGENCIES. (1) DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS. Each CBRF shall comply with all applicable statutes and rules of the department of industry, labor and human relations affecting health, safety and hygiene.

(a) Small existing CBRF are exempt from chapters IND 50-64, Wis. Adm. Code, except for:

1. Any CBRF located in a residential building having:
 - a. Three or more units other than a duplex.
 - b. Any portion of which is occupied by any person who is not a resident, employe, or relative of an employe of the facility.
2. Any CBRF located in a building any portion of which is used as a place of employment, other than those directly related to operation of the home, or part of a work therapy program, or an independent work project arranged and undertaken by an individual resident.

(2) LOCAL ORDERS. (a) Any local orders of municipalities concerning building safety and hygiene shall be consistent with uniform, statewide regulation of CBRF.

- (b) In setting regulations, villages, cities and towns shall consider the residents' needs and abilities, the increased cost in relation to proposed benefits to be received, the services to be provided by the facility, the relationship between the physical structure and the objectives of the program conducted in the facility and the primary functions of the facility.

NOTE: Refer to the rules of the department of industry, labor and human relations for construction requirements pertaining to all other CBRF. Medium CBRF in preexisting buildings are subject to chapter Ind 61. All newly constructed CBRF are subject to chapters Ind 50-64. CBRF intending to utilize federal funds may have to comply with other requirements in addition to those outlined herein, such as NFPA 101 - Life Safety Code, ANSI standards for barrier-free design, and miscellaneous federal regulations.

HSS 3.45 CONSTRUCTION REQUIREMENTS FOR NEW small and medium CBRF. All newly constructed small and medium CBRF shall meet the relevant construction requirements for existing facilities contained in chapter Ind 61 in addition to the requirements affecting new construction found in chapters Ind 50-64.

SUBCHAPTER VI - CONSTRUCTION REQUIREMENTS for Freestanding Small CBRF in Existing Structures.

HSS 3.50 SCOPE. Sections HSS 3.50 to 3.56 apply to all CBRF for 3 to 8 residents which are located -- existing buildings, except for:

- (1) Any CBRF located in a residential building having:
- (a) Three or more units other than a duplex.
 - (b) Any portion of which is occupied by any person who is not a resident, employe, or relative of an employe of the facility.
- (2) Any CBRF located in a building any portion of which is used as a place of employment, other than those directly related to operation of the home or part of a work therapy program, or an independent work project arranged and undertaken by an individual resident:

NOTE: Refer to the rules of the department of industry, labor and human relations for construction requirements pertaining to all other CBRF. Medium CBRF in preexisting buildings are subject to chapter Ind-61. All newly constructed CBRF in preexisting buildings are subject to chapter Ind-50-64. CBRF intending to utilize federal funds may have to comply with other requirements in addition to those outlined herein, such as NFPA 101---Life Safety Code, ANSI standards for barrier-free design, and miscellaneous federal regulations.

HSS 3.52 BUILDING CONSTRUCTION AND SITE. (1) CONDITION OF BUILDING AND SITE. Any building utilized as a small CBRF shall be structurally sound without visible evidence of structural failure or deterioration.

HSS 3.52(4) SMOKE SEPARATION.

- (a) A door shall be provided at any interior stair between the basement(s) and the first floor. This door shall be provided with a latch and an automatic closing device and normally be kept closed. A spring or sufficient strength to close and activate the door latch will be acceptable for meeting the automatic closing device portion of this requirement.
- (b) Any shaft (clothes chute, dumbwaiter, laundry chute, etc.) leading to the basement(s) shall be provided with a door on each level above the lowest floor. The door(s) shall be provided with a latch and an automatic closing device and shall normally be kept closed. A spring of sufficient strength to close and activate the door latch will be acceptable for meeting the automatic closing device portion of this rule.
- (c) Exposed polyurethane and polystyrene surfaces shall be prohibited.

HSS 3.54 EXITING. (1) NUMBER, TYPE AND ACCESS TO EXITS.

- (a) The grade level floor and each floor level having habitable rooms shall have at least two means of exit which provide unobstructed travel to the outside, except that a small class A facility may have one exit from floor levels having habitable rooms if an equivalent safety system is provided and approved by the department.

Note: An equivalent safety system would include but not be limited to complete smoke detector protection or a complete sprinkler system.

- (b) Exits shall be standard exits to grade (doors), stairways as specified in section Ind 61.12 (3), or fire escapes.
- (c) No exit passageway shall be through a private room or bath/toilet room.
- (d) 1. Exit passageways and stairways to the outside exit shall be at least 3 feet wide, except that exit doors and doors in exit passageways may be no less than 2 feet 8 inches in width; and 6 feet 4 inches in height.

HSS 3.57 ELECTRICAL. (1) GENERAL. (a) Every CBRF shall be supplied with electrical service, wiring, outlets and fixtures which shall be properly installed and shall be maintained in good and safe working condition.

- (b) The electrical service shall be of the proper size to handle the load connected to it.

Note: As a guide to the owner/operator for determining the adequacy of existing electrical service, the habitable rooms should have electrical service capable of providing at least 3 watts per square foot of total floor area in addition to that provided for air conditioning, ranges, fixed electric heaters and motor-driven equipment 1/8 hp or over.

- (2) PROTECTION. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, or circuit breakers not to exceed the ampacity of the smallest wire size in the circuit.
- (3) MINIMUM NUMBER OF FIXTURES AND OUTLETS. The minimum number of fixtures and outlets shall be as follows:
- (a) Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, and furnace room shall contain at least one approved ceiling or wall-type electric light fixture equipped with sufficient lamps or tubes to provide no less than 5 footcandles at floor level at center of room. Where more than one fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for ceiling or wall fixture in lavatories, bathrooms and dining rooms.)
- (b) Electric duplex outlet receptacles shall be provided as follows. (To determine room area, measurements shall be taken at room perimeter and shall include doors and door-alcoves.)
1. Living room, one per 75 sq. ft. of floor area or major fraction (minimum of 2).
 2. Dining room, one per 75 sq. ft. of floor area or major fraction (minimum of 2).
 3. Kitchen, one per 8 lineal feet or fraction of countertop and preparation area, including island-type areas. In addition, kitchens used for dining purposes, one per 75 sq. ft. of floor area or major fraction. Separate outlets shall be provided for refrigerators.

Note: Preparation areas include countertops and all other similar areas at counter height.


4. Bedroom, one per 75 sq. ft. of floor area or major fraction (minimum of 2).
 5. Laundry, one.
 6. Toilet rooms, one (may be part of wall fixture if 72 inches or less from floor).
 7. Other habitable rooms, minimum of 2.
- (4) OUTLET AND SWITCH LOCATIONS; EXPOSED WIRING. (a) Outlets. Convenience outlets shall be located to discourage use of extension cords.
- (b) Switches. Switches or equivalent devices for turning on one light in each room or passageway shall be located so as to conveniently control the lighting in the area.
- (c) Exposed wiring. All temporary wiring and exposed, abandoned wiring shall be removed.

The rules, amendments, and repeals contained in this order shall take effect on the first day of the month following its publication in the Wisconsin Administrative register as provided in s. 227.026(1) Stats.

Dated:

WISCONSIN DEPARTMENT OF HEALTH
AND SOCIAL SERVICES

Seal:



DONALD E. PERCY
SECRETARY



State of Wisconsin \ DEPARTMENT OF HEALTH & SOCIAL SERVICES

October 16, 1979

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, WI 53702

Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of HSS 3 CBRF Rule Amendments, as adopted by this department on October 16, 1979. In accordance with section 227.02(1)(e), Wis. Stats., these amendments were published in the Wisconsin Administrative Register with no petitions for public hearing being received and in accordance with section 227.018(2), Wis. Stats., the appropriate legislative committees have had 30 days for review.

This rule is being submitted to the Governor as required by section 14.06, Wis. Stats., and to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D.E. Percy', with a large, stylized flourish at the end.

Donald E. Percy
Secretary

Enclosure